REMARKS

I. STATUS OF THE SPECIFICATION AND CLAIMS:

Claims 1 to 88 are pending. Claims 6, 64 and 70 have been amended. Applicant respectfully submits that no new matter has been added by virtue of this Amendment.

II. DRAWINGS

In the Office Action, the Examiner objected to the drawings for informalities. As suggested by the Examiner: (1) Fig. 3, element 204 has been amended to recite "receive a definition of a respective association between each of the plurality of patterns and respective executable action; and (2) Fig. 5, element 406 has been amended to recite "receive a definition of a respective second association between each of the plurality of second patterns and a respective second executable action." Replacement drawings for Figs. 3 and Fig. 5 are submitted herewith. Applicants respectfully submit that no new matter has been added by the submission of the replacement drawings.

Applicant respectfully requests that the Examiner's objection of the drawings be removed.

III. Claim Objections

In the Office Action, the Examiner objected to claim 6 for informalities. As suggested by the Examiner, claim 6 has been amended to recite: "The method as recited in claim 1 wherein ~~the~~ receiving the definition of." Applicants respectfully submit that no new matter has been added by the amendment to claim 6. Applicant respectfully requests that the Examiner's objection of claim 6 be removed.

IV. REJECTION UNDER 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 64 to 71 under 35 U.S.C. § 101, alleging that the claims were directed to non-statutory subject matter.

Applicants traverse these rejections. Independent claim 64 of the present invention have been amended to claim in pertinent part "A scanner comprising: a scanner data structure stored on a computer readable medium including", therefore, defining a structural and functional interrelationship between the scanner data structure and the rest of the computer. Dependent claim 70 has been similarly amended.

Claims 65 to 71 all depend from claim 64, and therefore include all of the features of claim 64.

Therefore, Applicant respectfully requests that the Examiner's rejections under 35 U.S.C. §101 to claims 64 to 71 be removed.

V. REJECTION UNDER 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1, 3 to 47, 49 to 64, 66 to 72, and 74 to 88 under 35 U.S.C. § 103(a) as being unpatentable over Murphy et al., (Lightweight Lexical source Model Extraction, July 1996, ACM) (hereinafter "Murphy") in view of Vern Paxon, (Flex-Fast Lexical Analyzer Generator, June 1998) (hereinafter "Paxon") and further in view of Bickmore et al. (MultiLex, A Pipelined Lexical Analyzer, July 1996) (hereinafter "Bickmore").

Independent claim 1 recites: "A method for generating a scanner, the method comprising: receiving a definition of a plurality of patterns; receiving a definition of a respective association between each of the plurality of patterns and a respective executable action; and processing the plurality of patterns and the respective associations to form a scanner data structure capable of comparing input data to at least one of the plurality of patterns and causing execution of the associated executable action upon a match of the input data with the respective one of the plurality of patterns, the processing and the comparing being performed in a same active process.

Independent claims 47 and 72 of the present invention also recite in relevant part "wherein the processing and the comparing are performed in a same active process."

Similarly, independent claim 64 recites in relevant part that "the scanner data structure being formed and the comparing being performed in a same active process."

Regarding independent claims 1, 47 and 72, the Examiner acknowledged that "Murphy and Paxon do not explicitly disclose the processing and the comparing being performed in a same active process." See Office Action, pages 6, 9, and 15, respectively. Similarly for independent claim 64, the Examiner acknowledged that "Murphy and Paxon do not explicitly disclose the scanner data structure being formed and the comparing being performed in a same active process." See Office Action, page 12.

For independent claims 1, 47 and 72, the Examiner asserts that "Bickmore discloses the processing and the comparing being performed in a same active process." See Office Action, pages 6, 9 and 15. Similarly for independent claim 64, the Examiner asserts that "Bickmore discloses the scanner data structure being formed and the comparing being performed in a same active process." See Office Action, page 12.

Applicants respectfully disagree with the Examiner's assertions.

Bickmore discloses that:

> A lexer is a pipeline of translators. Each translator reads a series of input objects and produces a series of output objects for the next translator (or the parser). A translator, at any given step, consumes a (possibly empty) sequence of input objects, modifies their values and attributes, and produces sequence of output objects. See Bickmore, page 1, Introduction, paragraph 5.

Bickmore also discloses that "when invoked for an output, the translator sequentially examines its rules until it finds one that matches its input." The MultiLex lexer generator as disclosed in Bickmore appears to work in at least two separate processes. Therefore, Bickmore does not teach or show "the processing and the comparing being performed in a same active process" as recited in independent claims 1,

47 and 72 of the present invention. Therefore, Bickmore also does not teach or show "the scanner data structure being formed and the comparing being performed in a same active process" as recited in independent claim 64 of the present invention.

As stated in Global Traffic Technologies v. Tomar Electronics , Civil No. 05-756, slip opinion, 2007WL 4591297 (D. Minn., December 27, 2007):

> "As is clear from cases such as *Adams,* a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their establish functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new inventions does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." See Global Traffic Technologies v. Tomar Electronics Civil No. 05-756, slip opinion, 2007WL 4591297 at pages 5-6 (D. Minn., December 27, 2007).

The Examiner has acknowledged that "Murphy and Paxon do not explicitly disclose the processing and the comparing being performed in a same active process." As discussed above, Bickmore fails to cure this defect of Murphy and Paxon. Therefore, Applicants respectfully submit that the Examiner has not sufficiently identified a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements of Murphy, Paxon and Bickmore in the way the present invention does as recited in independent claims 1, 47, 64 and 72 of the present invention.

Claims 2 to 46 all depend from claim 1, and therefore include all of the features of claim 1. Accordingly, in view of the comments above regarding claim 1, claims 2 to 46 are also not rendered obvious by the combination of Murphy in view of Paxon in further in view of Bickmore. See, e.g., *In re Fine*, 837 F.2d. 1071 (Fed. Cir. 1988). Claims 48 to

63 all depend from claim 47, and therefore include all of the features of claim 47. Accordingly, in view of the comments above in reference to claim 47, claims 48 to 63 are also not rendered obvious by the combination of Murphy in view of Paxon in further in view of Bickmore. Claims 65 to 71 all depend from claim 64, and therefore include all of the features of claim 64. Accordingly, in view of the comments above in reference to claim 64, claims 65 to 71 are also not rendered obvious by the combination of Murphy in view of Paxon in further in view of Bickmore. Lastly, claims 73 to 88 all depend from claim 72, and therefore include all of the features of claim 72. Accordingly, in view of the comments above in reference to claim 72, claims 73 to 88 are also not rendered obvious by the combination of Murphy in view of Paxon in further in view of Bickmore. See, e.g., *In re Fine*, 837 F.2d. 1071 (Fed. Cir. 1988) ("Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious. *Hartness Int'l, Inc. v. Simplimatic Eng'g Co.,* 819 F.2d 1100, 1108, 2 USPQ2d 1826, 1831 (Fed.Cir.1987); *In re Abele,* 684 F.2d 902, 910, 214 USPQ 682, 689 (CCPA 1982); *see also In re Sernaker,* 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed.Cir.1983)").

Accordingly, withdrawal of the rejection is respectfully requested.

VI. CONCLUSION

This Response is being submitted together with a petition for a three-month extension of time under 37 C.F.R. § 1.136(c) from October 26, 2007 to January 26, 2008. A check in the amount of $1050.00 is enclosed herewith to cover the fee due under 37 C.F.R. § 1.17 (a)(3). It is believed that no other fees are due. If, however, it is determined that any additional fees are due or that any fee has been overpaid, the Commissioner for Patents is hereby authorized to charge said fee or credit any overpayment to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____

Felix L. D'Arienzo, Jr.
Reg. No. 27,631

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th floor
New York, NY 10018
(212) 736-1940